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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,590	12/22/2003	Mitsuo Watanabe	YKIA122145	7989

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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

HALEY, JOSEPH R

ART UNIT PAPER NUMBER

2627

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,590

Applicant(s)

WATANABE ET AL.

Examiner

Joseph Haley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12, 13 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11 and 14 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al. (US 5126994) in view of Matsumoto et al. (JP9063057).

In regard to claims 1 and 14, Ogawa et al. teaches a data-recordable optical disk apparatus, comprising: setting means which records test data in a test area on an optical disk and sets recording power in accordance with the quality of a reproduced signal obtained by reproducing said test data (fig. 3 element 30); means for recording management data in a recording management area on said optical disk through use of said recording power (column 9 lines 54-64, power control information is management data); means for verifying said recorded management data (column 10 lines 15-32); but does not teach detection means for detecting the number of errors in said management data when a result of verification is positive; comparison means for comparing the number of said errors with an allowable value; and correction means for

correcting said recording power when the number of said errors exceeds said allowable value.

Matsumoto et al. teaches detection means for detecting the number of errors in said management data when a result of verification is positive; comparison means for comparing the number of said errors with an allowable value; and correction means for correcting said recording power when the number of said errors exceeds said allowable value (see abst.)

The two are analogous art because they both deal with the same field of invention of recording on optical discs.

At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of Ogawa et al. with the power control apparatus of Matsumoto et al. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of Ogawa et al. with the power control apparatus of Matsumoto et al. because it would increase recording speed by reducing errors in recording of data.

In regard to claim 2, Matsumoto et al. teaches wherein said correction means corrects said recording power by means of causing said setting means to repeatedly perform setting operation while changing a setting method of said setting means (see abst. Matsumoto et al. teaches performing the power calibration each time the error rate is too high).

In regard to claim 3, Matsumoto et al. teaches wherein said correction means corrects said recording powering by increasing or decreasing said recording power by a predetermined amount or proportion (see abst).

In regard to claims 4-7, Ogawa et al. teaches wherein said setting means sets said recording power in accordance with the quality of said reproduced signal obtained when said test data are recorded at a plurality of laser power levels which have been changed within a predetermined range; and said correction means causes said setting means to repeatedly perform setting operation while reducing said predetermined range (column 10 lines 15-20).

In regard to claims 5-7, see basis for claim 4 rejection above.

Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al. in view of Matsumoto et al. further considered with Bennet et al. (US 6815035).

In regard to claim 8, Ogawa et al. and Matsumoto et al. teach all the elements of claim 8 except PI errors.

Bennet et al. teaches PI errors (column 12 lines 21-29).

The three are analogous art because they all deal with the same field of invention of recording on optical media.

At the time of invention it would have been obvious to one of ordinary skill in the art to provide the apparatus of Ogawa et al. with Matsumoto et al. and the PI errors of Bennet et al. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of Ogawa et al. with Matsumoto et al. and the PI

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errors of Bennet et al. because a low PI error count generally indicates that the digital transcription process is good and the disc quality is good (column 12 lines 27-29).

In regard to claim 11, Bennet et al. teaches wherein said error detection means detects the number of said PI errors in one ECC block of said RMD (column 12 lines 27-29).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al. in view of Matsumoto et al. further considered with the applicant's related art.

In regard to claim 10, Ogawa et al. and Matsumoto et al. teach all the elements of claim 10 except a DVD-RW (the toc of Ogawa et al. is considered a RMA containing RMD).

The applicant's related art teaches a DVD-RW (paragraph 7 line 1).

The three are analogous art because they all deal with the same field of invention of recording on optical media.

At the time of invention, it would have been obvious to one of ordinary skill in the art to provide the apparatus of Ogawa et al. with Matsumoto et al. and the DVD-RW of the related art. The rationale is as follows: At the time of invention it would have been obvious to provide the apparatus of Ogawa et al. with Matsumoto et al. and the DVD-RW of the related art because it would allow the disc to be recorded more than once.

Allowable Subject Matter

Claims 12, 13 and 15 are allowed.

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The prior art fails to show setting an allowable value based upon emboss data.

This feature in combination with the other features of claims 9, 12, 13 and 15 make these claims allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

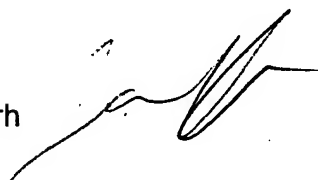
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Haley whose telephone number is 571-272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

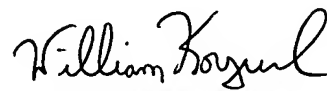
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jrh




WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600